

Transcript of Adam P. Stimson
Conducted on July 26, 2017

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Volume: 1

Pages: 1-248

Exhibits: 1-4

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

Case No. CGC-17-556478

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VINCENT K. SIEFE, DDS,

Plaintiff,

v.

UNUM GROUP; THE PAUL REVERE LIFE INSURANCE COMPANY;

DAVE JONES AS COMMISSIONER OF INSURANCE; and

DOES 1-20, inclusive,

Defendants.

- - - - - x

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF ADAM P. STIMSON

July 26, 2017

9:07 a.m. to 5:21 p.m.

BEECHWOOD HOTEL

363 Plantation Street

Worcester, Massachusetts

Reporter: Marianne R. Wharram, CSR/RPR/CRR

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ADAM P. STIMSON

(BY MR. COLEMAN) 7

(BY MR. MAGUIRE)

E X H I B I T S

NO. DESCRIPTION PAGE

Exhibit 1 12-page Plaintiff's Notice of Taking Deposition of Defendants UNUM Group's and The Paul Revere Life Insurance Company's Person(s) Most Knowledgeable and Employees 7

Exhibit 2 2-page Performance Plan 2014 LTD/IDI Benefits Operations Director 17

Exhibit 3 3-page Vincent Siefe, DDS, Medical Treatment from Unum Claim File (By Date) 129

Exhibit 4 1-page Chart, 2013-2016; Treatment Weeks 178

*Original exhibits retained by Mr. Coleman.

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A P P E A R A N C E S

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CRYSTAL STRAWBRIDGE, Videographer

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P R O C E E D I N G S

VIDEOGRAPHER: Here begins disk number one in the videotaped deposition of Adam Stimson in the matter of Vincent K. Siefe, DDS, v. UNUM Group; The Paul Revere Life Insurance Company; et al., in the Superior Court of California, County of San Francisco, Case Number CGC-17-556478.

Today's date is July 26, 2017, and the time on the video monitor is 9:07. The videographer today is Crystal Strawbridge, representing Planet Depos. This video deposition is being -- taking place at 363 Plantation Street, Worcester, Massachusetts.

Would counsel please voice identify themselves and state whom they represent?

MR. COLEMAN: I'm Terry Coleman. I represent Dr. Siefe.

MR. MAGUIRE: Dan Maguire for Defendants UNUM Group, Paul Revere Life Insurance Company.

MR. SAPALA: Donald Sapala with UNUM.

VIDEOGRAPHER: The court reporter today is Marianne Wharram, representing Planet Depos. Would the reporter please swear in the witness?

ADAM P. STIMSON,

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| <p style="text-align: right;">25</p> <p>1 sometimes occurred during the first week of a -- in</p> <p>2 a given month.</p> <p>3 Q. I'm talking about meetings between you and</p> <p>4 Mr. Peter individually. Mr. Peter testified that</p> <p>5 he would meet with his directors one-on-one at the</p> <p>6 beginning of each month. Is that your recollection</p> <p>7 also?</p> <p>8 A. Generally speaking, I think that's for the</p> <p>9 most part accurate. Again, there may have been</p> <p>10 times where those meetings didn't occur on the</p> <p>11 first week of the month for one reason or another.</p> <p>12 Q. And Mr. Peter, when you would meet with him</p> <p>13 at the beginning of the month, he would communicate</p> <p>14 recovery expectations to you for that month; is</p> <p>15 that right?</p> <p>16 A. That was not the terminology, necessarily,</p> <p>17 that was used. There were discussions of -- of</p> <p>18 expectations for that, that month.</p> <p>19 Q. He would give you a dollar amount of</p> <p>20 expectation; is that right?</p> <p>21 A. There was a -- what I would call</p> <p>22 approximate values that are associated with any</p> <p>23 given claim, and I think there was an approximate</p> <p>24 value for -- for my team that I was made aware of.</p> <p>25 Q. What would he say to you in that regard?</p> | <p style="text-align: right;">27</p> <p>1 A. He -- not always. He may have been.</p> <p>2 Q. Well, he wasn't -- was he giving you a</p> <p>3 number just out of thin air?</p> <p>4 MR. MAGUIRE: Objection. Speculation.</p> <p>5 A. I'm not sure I was always aware of the --</p> <p>6 what he was -- where the number was derived from</p> <p>7 when he was giving it to me.</p> <p>8 Q. (BY MR. COLEMAN) Did you ever see him</p> <p>9 reading from a document when he was giving you the</p> <p>10 dollar amount?</p> <p>11 A. Yes.</p> <p>12 Q. What was he reading from? Could you see</p> <p>13 the document?</p> <p>14 A. As I recall, they were essentially</p> <p>15 handwritten notes.</p> <p>16 Q. What was the color of the paper?</p> <p>17 A. From the notes that I was just referring</p> <p>18 to?</p> <p>19 Q. Yes.</p> <p>20 A. That would have -- it would have been a</p> <p>21 piece of notebook paper, so essentially, it would</p> <p>22 have been either white or yellow.</p> <p>23 Q. And when you say notebook paper, are you</p> <p>24 referring to a tablet that has perforation up at</p> <p>25 the top that you could tear out, or a spiral ring</p> |
| <p style="text-align: right;">26</p> <p>1 Let me withdraw that. What did he say to you in</p> <p>2 that regard?</p> <p>3 A. In regard to --</p> <p>4 Q. Well, you just told me that there was an</p> <p>5 approximate value for my team that I was made --</p> <p>6 that I was made aware of. My question is what did</p> <p>7 he say to you in that regard.</p> <p>8 A. He would give me a -- a figure, a dollar</p> <p>9 figure and what we would call a claim count figure.</p> <p>10 Q. What would he say when he gave you the</p> <p>11 dollar figure?</p> <p>12 A. I'm not sure I can recall specifically. It</p> <p>13 was in terms of what the monthly -- what my monthly</p> <p>14 dollar amount would be for that month.</p> <p>15 Q. What would he say; for example, Adam, the</p> <p>16 dollar amount for your team this month is</p> <p>17 \$10 million?</p> <p>18 MR. MAGUIRE: Objection. Vague.</p> <p>19 Q. (BY MR. COLEMAN) Would he say something</p> <p>20 like that?</p> <p>21 A. He would say that, yeah, the dollar amount</p> <p>22 for your team for this month is any given -- you</p> <p>23 know, a number.</p> <p>24 Q. When he was telling you the dollar amount,</p> <p>25 was he reading from something?</p> | <p style="text-align: right;">28</p> <p>1 notebook, or a binder that has -- you know, a</p> <p>2 three-ring binder? What -- what are you referring</p> <p>3 to?</p> <p>4 A. As I recall, it was a loose piece of paper</p> <p>5 that was -- so essentially torn from a tablet-like</p> <p>6 notebook like the one that you're using.</p> <p>7 Q. One that had lines?</p> <p>8 A. Yes. A typical piece of -- of what I would</p> <p>9 say a typical piece of notebook paper.</p> <p>10 Q. Was there a typical range of the dollar</p> <p>11 amounts that you were given every month?</p> <p>12 A. I mean, there were -- there were different</p> <p>13 numbers each month. I guess you could consider</p> <p>14 those to be a range from the lowest to the highest,</p> <p>15 but I'm not sure I'd call it a typical range.</p> <p>16 Q. So what were the amounts that you were</p> <p>17 given?</p> <p>18 A. I'm not sure I can recall specifically what</p> <p>19 the amounts were.</p> <p>20 Q. So generally, what were the amount ranges</p> <p>21 that you were given?</p> <p>22 A. I'm just trying to recall what the</p> <p>23 approximate numbers would be. What were -- with</p> <p>24 regard to the values figures that we were speaking</p> <p>25 about? Is that what your -- what your question is?</p> |

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| <p>29</p> <p>1 Q. Yeah, what we've been talking about for the</p> <p>2 last 15 minutes.</p> <p>3 A. I would say it was approximately between 1</p> <p>4 to \$2 million.</p> <p>5 Q. And it was different every month?</p> <p>6 A. Yes.</p> <p>7 Q. So did you write that number down so that</p> <p>8 you would have it?</p> <p>9 A. I would sometimes write it down, yes.</p> <p>10 Q. Sometimes, you wouldn't write it down?</p> <p>11 A. Correct.</p> <p>12 Q. Why wouldn't you write it down?</p> <p>13 A. I can't recall the specifics of the</p> <p>14 situation where I wouldn't write it down, but</p> <p>15 I'm -- I'm sure there were times when I didn't</p> <p>16 write it down, either didn't have a pen or didn't</p> <p>17 write it down.</p> <p>18 Q. Did -- did you ever receive this number</p> <p>19 communicated to you in any format other than word</p> <p>20 of mouth?</p> <p>21 A. Not that I can recall, no.</p> <p>22 Q. Did you have any discussions with Mr. Peter</p> <p>23 about how he arrived at the particular number that</p> <p>24 you were being given?</p> <p>25 A. Did I have any particular discussions with</p> | <p>31</p> <p>1 foundation. Argumentative.</p> <p>2 A. The monthly figure would be the sum of the</p> <p>3 claims that resolved for that particular month.</p> <p>4 Q. (BY MR. COLEMAN) And the number is derived</p> <p>5 from the reserves that are associated on the</p> <p>6 claims; is that right?</p> <p>7 MR. MAGUIRE: Objection. Foundation.</p> <p>8 Calls for speculation.</p> <p>9 A. I -- I'm not sure where the number was</p> <p>10 directly derived from.</p> <p>11 Q. (BY MR. COLEMAN) Well, you do know what a</p> <p>12 reserve is, don't you?</p> <p>13 A. I've heard the term reserve.</p> <p>14 Q. Well, how would you know whether or not</p> <p>15 your team would be close to achieving the number if</p> <p>16 you didn't understand what it represented?</p> <p>17 MR. MAGUIRE: Objection. Foundation.</p> <p>18 Argumentative.</p> <p>19 A. I'm sorry. Can you repeat the question?</p> <p>20 Q. (BY MR. COLEMAN) Yeah. So if Mr. Peter</p> <p>21 gives you a number of \$2 million, right, at the</p> <p>22 beginning of October 2016, as you're approaching</p> <p>23 the end of that month, how would you know</p> <p>24 whether -- where your team was in relation to</p> <p>25 meeting that number if you didn't have a detailed</p> |
| <p>30</p> <p>1 him about that?</p> <p>2 Q. Yes.</p> <p>3 A. Not that I recall.</p> <p>4 Q. What did the number represent? Say if</p> <p>5 Mr. Peter told you, you know, in October of 2016</p> <p>6 that your number is \$2 million this month, what did</p> <p>7 that mean to you?</p> <p>8 A. What it meant to me was that that was the</p> <p>9 total value of claims that would be resolving for</p> <p>10 that particular month.</p> <p>11 Q. And when you mean claims resolving, that</p> <p>12 means that the value of the claims that would no</p> <p>13 longer be -- be paid at the end of the month? Is</p> <p>14 that right?</p> <p>15 A. When I say resolved, what I mean is that</p> <p>16 the claims would no longer be paid for that month,</p> <p>17 yes; or actually, excuse me, would no longer be</p> <p>18 paid after that, after that particular month.</p> <p>19 Q. And so in order to meet, for example, a</p> <p>20 \$2 million number as Mr. Peter would -- would have</p> <p>21 communicated to you, then your team would have had</p> <p>22 to have a certain number of claims stop being paid</p> <p>23 by the end of the month that would aggregate to</p> <p>24 \$2 million worth of claims, right?</p> <p>25 MR. MAGUIRE: Objection. Lacks</p> | <p>32</p> <p>1 understanding of how that dollar figure was</p> <p>2 computed?</p> <p>3 A. There would be an associated value with a</p> <p>4 particular claim if it resolved during that month.</p> <p>5 Q. So each claim that your team was</p> <p>6 responsible for handling would have an associated</p> <p>7 dollar figure attached to it?</p> <p>8 A. I'm not sure that each claim has one. I'm</p> <p>9 not sure.</p> <p>10 Q. So how would you know whether or not you'd</p> <p>11 be meeting that number towards the end of the</p> <p>12 month?</p> <p>13 A. I would -- I could ask Mr. Peter.</p> <p>14 Q. Don't you have access to the -- what you</p> <p>15 called the associated dollar figure attached to the</p> <p>16 claims that your team was handling?</p> <p>17 A. No.</p> <p>18 Q. You never did?</p> <p>19 A. No.</p> <p>20 Q. Did you have discussions with Mr. Peter</p> <p>21 about where you -- where your team was over the</p> <p>22 course of the month in relation to meeting or not</p> <p>23 meeting the dollar figure expectation?</p> <p>24 A. Yes.</p> <p>25 Q. How often would you discuss that?</p> |

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| <p>33</p> <p>1 A. Maybe multiple times over the course of a 2 given month. 3 Q. Did he impress upon you the importance of 4 meeting the number? 5 A. It was one of -- I guess I would call it 6 one of my responsibilities to make sure that the 7 claims were being managed appropriately and that 8 decisions were being completed in a timely manner. 9 Q. My question was did he impress upon you the 10 importance of meeting the number. 11 A. I guess I'm not sure what you mean by 12 importance. 13 Q. I'm sorry. What's unclear about my 14 question? I want to make sure that I can phrase it 15 for you. 16 A. We had discussions -- you know, we 17 generally had discussions throughout the month 18 about, you know, the -- the value of the claims 19 that had resolved for my team in comparison to what 20 that number was, you know, at -- approximately at 21 the beginning of the month, so we had regular dis-- 22 you know, we had multiple discussions over the 23 course of the month. 24 Q. I take it that since your boss was having 25 those regular discussions with you in that regard,</p> | <p>35</p> <p>1 or my cubicle. 2 Q. How would you go about keeping it securely? 3 A. It was typically written down on a piece of 4 paper, typically a sticky note, and it would be in 5 a locked drawer in my cubicle. 6 Q. You're referring to a Post-it note? 7 A. Yes. 8 Q. Did you have a general size of a Post-it 9 note that you would write the number on? 10 A. It was usually a square. I don't know if 11 that is two-by-two. It was bigger than the one 12 you're holding right now, typically. There are 13 various sizes of Post-it notes. 14 Q. So are you referring to a two-inch by 15 two-inch Post-it note? 16 A. I believe that's the size. That's 17 typically I guess what the stock Post-it note is in 18 our office, or the ones that I utilized. 19 Q. So the Post-it notes that you utilized at 20 your office, I've seen some Post-it notes that 21 have, you know, like a company's name or logo on 22 them. Are those -- is there a company name or logo 23 on the Post-it notes that you would use to write 24 the dollar figure that you had to achieve? 25 A. No.</p> |
| <p>34</p> <p>1 you must have felt it was important to meet the 2 number each and every month? 3 A. It was one of the objectives for -- one of 4 the objectives for me over the course of a given 5 month. 6 Q. Given that it was one of the objectives for 7 you, I take it that you felt it was important to 8 meet the number each and every month? 9 A. It was -- it was important to -- I guess I 10 would say it was important to try to meet all of 11 the objectives, and if that was one of the 12 objectives, then yes, I guess I would consider that 13 important. 14 Q. This important objective, is it written out 15 in any -- in any place in your -- you mentioned the 16 performance evaluations. Is this important 17 objective -- that is, meeting the number -- is that 18 set forth in any written document that you're aware 19 of? 20 A. I'm not sure. 21 Q. What did you do with the numbers that you 22 wrote down on your own piece of paper when 23 Mr. Peter communicated it, communicated this to 24 you? 25 A. I would keep it securely at my work space</p> | <p>36</p> <p>1 Q. It was just a blank Post-it note? 2 A. It was blank, yes. 3 Q. And then, when you put it in your locked 4 drawer, then what did you do with it after that? 5 A. I'm not sure what you mean. 6 Q. Well, you said that you would put it away 7 securely in your cubicle in a drawer, right, the 8 Post-it note? 9 A. Yes. 10 Q. And is that a locked drawer? 11 A. Locked, yes. 12 Q. And then -- and then what would happen to 13 the note? What would you do with it after that 14 point? Do you have a drawer full of sticky notes? 15 A. Not specifically with those -- with those 16 numbers on it. I would -- I would have access to 17 it throughout the course of the month. I, you 18 know, have the key for that locked drawer. I may 19 refer to it over the course of the month, and then 20 at the end of the month, I would dispose of it. 21 Q. Why would you refer to it if you had no 22 reference point from which you could determine 23 whether you were anywhere near meeting or not 24 meeting that number? What purpose would you have 25 for that -- for that Post-it note?</p> |

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| <p>37</p> <p>1 MR. MAGUIRE: Objection. Lacks 2 foundation. 3 A. When you say no reference, I think I had 4 previously alluded to periodic check-ins with 5 Mr. Peter, so that's what I would consider to be a 6 reference point. 7 Q. (BY MR. COLEMAN) All right, so then at the 8 end of the month, what would you do? Now at the 9 next month, you're given a new number, right? 10 A. Essentially, yes. 11 Q. All right, so the old number that you had, 12 the sticky note that you had in your locked drawer 13 that you keep pulling out and looking at, now you 14 have a new number, all right, so you have a new 15 Post-it note for that month? 16 MR. MAGUIRE: Object to the preface. 17 A. Essentially, yes. 18 Q. (BY MR. COLEMAN) All right, so then you go 19 back to your cubicle and you open up the locked 20 drawer and you put the Post-it note in the drawer, 21 right? 22 A. Essentially, yes. 23 Q. And what do you do with the old Post-it 24 note? 25 A. Dispose of it.</p> | <p>39</p> <p>1 able to meet or exceed one of those objectives. 2 Q. All right. It was pleasing to you because 3 you felt that it was pleasing to the company 4 because it was one of your performance objectives? 5 MR. MAGUIRE: Objection. 6 Argumentative. Lacks foundation. 7 A. It was pleasing to me personally because it 8 was one of the -- one of the -- one of my 9 objectives for that month amongst others that I was 10 able to meet or exceed that particular objective. 11 Q. (BY MR. COLEMAN) So to a certain extent, 12 you gain satisfaction from denying claims? 13 MR. MAGUIRE: Objection. 14 Argumentative. 15 A. No, I wouldn't say that. No. 16 Q. (BY MR. COLEMAN) Yet exceeding the 17 performance objective of achieving a dollar figure 18 of claim recoveries pleased you? 19 MR. MAGUIRE: Objection. Lacks 20 foundation. 21 A. That number is not -- not an aggregate 22 amount of claims that are denied, so I don't -- I 23 wouldn't agree to that statement, no. 24 Q. (BY MR. COLEMAN) Well, how are the ways 25 that a claim can resolve?</p> |
| <p>38</p> <p>1 Q. All right. How do you dispose of it? 2 A. Throw it in the recycling bin or in the 3 trash. 4 Q. Crumple it up and throw it away? 5 A. Yes. 6 Q. Now you've got a new Post-it note for that 7 month, right? 8 A. Yes. 9 Q. And then this process would continue each 10 and every month when you were reporting to 11 Mr. Peter? 12 A. Essentially, yes. 13 Q. Did you ever exceed your number? 14 A. Yes. 15 Q. Did Mr. Peter congratulate you for doing 16 so? 17 A. I was made aware of it. I wouldn't call it 18 a congratulations, no. 19 Q. Well, was he pleased? 20 MR. MAGUIRE: Objection. Speculation. 21 A. I'm not sure I could comment on whether he 22 was pleased or not. 23 Q. (BY MR. COLEMAN) Were you pleased? 24 A. I was -- again, meeting one of the 25 objectives of my role, yes, I was pleased to be</p> | <p>40</p> <p>1 A. There are multiple ways. 2 Q. Somebody goes back to work, right? 3 A. Correct. 4 Q. Somebody dies? 5 A. I'm not -- I'm not completely sure how that 6 is sort of categorized, if you will. I'm not sure 7 that that's considered a claim resolution, but that 8 would be the end of someone's claim if they were to 9 die, yes. 10 Q. Somebody reaches the maximum benefit 11 period? 12 A. Again, I'm not -- I'm not sure if that's 13 considered a claims resolution, but that would be 14 the end of a claim if it reaches the maximum 15 benefit period. 16 Q. Or your company tells the insured that 17 they're either going to stop making a disability 18 benefit payment or they're not going to make a 19 benefit payment at all, right? 20 A. With regard to liability decisions, there 21 are claims that are -- that the determination is 22 made that it's not compensable, and that can be 23 made on a claim that's not -- that's never been 24 paid or a claim that was in a paid status. 25 Q. Now, Dr. Siefe, he never received a single</p> |

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| <p>69</p> <p>1 A. I don't believe he was entitled. If he</p> <p>2 was -- and I'm not sure what you mean by entitled,</p> <p>3 but we made -- we didn't -- we never made the</p> <p>4 determination, or Jennifer never made the</p> <p>5 recommendation to provide a reservation of rights</p> <p>6 payment on this claim.</p> <p>7 Q. (BY MR. COLEMAN) Was she given guidance as</p> <p>8 to when to consider making a reservation of rights</p> <p>9 payment?</p> <p>10 MR. MAGUIRE: Objection. Lacks</p> <p>11 foundation.</p> <p>12 A. As part of her role in the -- as a DBS,</p> <p>13 there is guidance around the use of -- and the --</p> <p>14 around the use of reservations of rights.</p> <p>15 Q. (BY MR. COLEMAN) Is one of the</p> <p>16 circumstances under which your company considers to</p> <p>17 make a reservation of rights payment the length of</p> <p>18 time that it's taken to make a liability</p> <p>19 determination?</p> <p>20 A. Yes.</p> <p>21 Q. So did that circumstance here indicate that</p> <p>22 the company should consider on Dr. Siefe's claim</p> <p>23 making a reservation of rights payment?</p> <p>24 A. Not that -- I don't recall having a</p> <p>25 conversation or -- or -- with Jennifer or anyone</p> | <p>71</p> <p>1 A. Those are the four that I -- that I named</p> <p>2 that I can recall.</p> <p>3 Q. What would cause you to indicate a</p> <p>4 possibility as opposed to a likely? Let me</p> <p>5 withdraw that.</p> <p>6 Does having -- choosing the drop-down</p> <p>7 of paid possible as opposed to paid likely, would</p> <p>8 the reason why you would choose that one over the</p> <p>9 other be because you were less confident in -- in</p> <p>10 that status outcome?</p> <p>11 A. I don't recall specifically how I would use</p> <p>12 the particular options. I'm not sure if I was</p> <p>13 more -- you know, that it was more common for me to</p> <p>14 use possible over likely, and I can't recall in</p> <p>15 this situation.</p> <p>16 Q. But as the director who has the</p> <p>17 responsibility of choosing one or the other, did</p> <p>18 you have a practice of using possible if you were</p> <p>19 less confident in that outcome as opposed to</p> <p>20 likely?</p> <p>21 A. I may. Possible is a -- is a lessor</p> <p>22 descriptor than likely, I would say.</p> <p>23 Q. All right. Was there anything about</p> <p>24 Dr. Siefe's claim at that time that indicated to</p> <p>25 you that he was likely entitled to benefits?</p> |
| <p>70</p> <p>1 about the reservation of rights payment on this</p> <p>2 claim.</p> <p>3 Q. Having reviewed the file, is that something</p> <p>4 that you would have liked to have seen done?</p> <p>5 A. No.</p> <p>6 Q. So why would you have indicated paid likely</p> <p>7 here, then?</p> <p>8 A. I don't recall.</p> <p>9 Q. Was there any circumstance that -- under</p> <p>10 which you could have anticipated Dr. Siefe being</p> <p>11 entitled to payment of benefits? Let me withdraw</p> <p>12 that. That's a bad question.</p> <p>13 What are the other possibilities there</p> <p>14 for inventory status name other than paid likely?</p> <p>15 What are they on the drop-down menu?</p> <p>16 A. To the best that I can recall, there are</p> <p>17 several, including I believe they were named</p> <p>18 unpaid, possible unpaid, likely, paid possible,</p> <p>19 paid likely. And I believe there were others, but</p> <p>20 I don't -- there may be others. I can't recall</p> <p>21 what they may be.</p> <p>22 Q. All right, so I have down four</p> <p>23 possibilities on that drop-down; paid possible,</p> <p>24 paid likely, unpaid possible, and unpaid likely.</p> <p>25 Are those the possibilities?</p> | <p>72</p> <p>1 A. Not that I can recall at that time.</p> <p>2 Q. So why did you choose paid likely as</p> <p>3 opposed to unpaid likely?</p> <p>4 A. I don't know.</p> <p>5 Q. Did you have separate performance</p> <p>6 objectives for paid recoveries as opposed to unpaid</p> <p>7 recoveries?</p> <p>8 A. I'm not sure what you mean by performance</p> <p>9 objectives.</p> <p>10 Q. Well, Mr. Peter communicated dollar figure</p> <p>11 expectations to you for recoveries, correct? You</p> <p>12 told me that he sat you down every month and --</p> <p>13 most months and gave you a dollar figure range of</p> <p>14 1 to \$2 million, right?</p> <p>15 A. Generally speaking, yes.</p> <p>16 Q. And were you given any recovery</p> <p>17 expectations for various categories; that is,</p> <p>18 either unpaid recovery or paid recovery?</p> <p>19 A. They're categorized differently. Yes.</p> <p>20 Q. So each month, were you given expectations</p> <p>21 for the dollar amount of paid recoveries?</p> <p>22 A. As I understood it, the dollar amount that</p> <p>23 was given was for -- was the summation, for lack of</p> <p>24 a better term, of claim resolutions where there was</p> <p>25 benefits paid.</p> |

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| <p>73</p> <p>1 Q. All right, so just to use a -- an example, 2 if Mr. Peter -- let's assume he communicates a 3 \$2 million recovery number to you. It was your 4 understanding that that \$2 million number comprised 5 a sum of paid recoveries as well as unpaid 6 recoveries?</p> <p>7 A. No. It was the sum of -- I guess it would 8 be the sum of paid and unpaid, but the addition of 9 the unpaid would be zero, as I understood it.</p> <p>10 Q. So in order to meet your number, you would 11 have had to have made a one-time payment of 12 benefits?</p> <p>13 A. I don't understand your question.</p> <p>14 Q. Well, let's assume that you have a 15 \$2 million number that Mr. Peter has given to you, 16 all right? Okay?</p> <p>17 A. Yes.</p> <p>18 Q. And all your recoveries for that next month 19 are unpaid recoveries; that is, the company just -- 20 you, your team, decides that -- that on its block 21 of claims that everyone is going to get no benefits 22 that month. Okay? Are you with me so far?</p> <p>23 A. For those particular -- those were the 24 decisions that were made on those particular 25 claims?</p> | <p>75</p> <p>1 that I would call paid claims.</p> <p>2 Q. Okay, either in an ongoing paid status or a 3 single payment, right?</p> <p>4 A. That were -- that benefits were paid.</p> <p>5 MR. COLEMAN: All right. Let's take a 6 break.</p> <p>7 MR. MAGUIRE: Okay.</p> <p>8 VIDEOGRAPHER: We're going off the 9 record at 11:13.</p> <p>10 (Off the record.)</p> <p>11 (Recess taken from 11:13 to 11:24.)</p> <p>12 VIDEOGRAPHER: We are back on the 13 record at 11:24.</p> <p>14 Q. (BY MR. COLEMAN) Mr. Stimson, what was 15 your role with respect to the handling of 16 Dr. Siefe's claim?</p> <p>17 A. I was the director for the DBS.</p> <p>18 Q. Were you the individual who had the most 19 experience responsible for the handling of the 20 claim?</p> <p>21 A. I'm not sure I understand your question. 22 There are others involved that have -- I'm not sure 23 what you mean by experience.</p> <p>24 Q. With respect to claims handling. You were 25 the individual on behalf of the company that had</p> |
| <p>74</p> <p>1 Q. Yes.</p> <p>2 A. Yes.</p> <p>3 Q. All right. It would be your understanding 4 that you wouldn't have met your recovery number 5 expectation, because those contributed zero?</p> <p>6 A. Those particular claims, I think that would 7 be correct.</p> <p>8 Q. So in order to meet your number, it was 9 your understanding that you had to make a one-time 10 payment of benefits?</p> <p>11 A. Again, I'm not -- I'm not sure what your -- 12 what the question is.</p> <p>13 Q. Well, it's your -- my question is your 14 understanding of how the math worked. You were 15 given a \$2 million number by Mr. Peter, okay?</p> <p>16 A. Yes.</p> <p>17 Q. The only way that you could achieve that 18 number for that next month would be to have a sum 19 of paid recoveries that equalled \$2 million. Is 20 that right?</p> <p>21 A. I guess I would answer in saying that 22 the -- the sum of the approximate values of paid -- 23 of claims that were closed where a payment was 24 made. It's not necessarily a one-time payment. I 25 guess that's where I was getting confused. Claims</p> | <p>76</p> <p>1 the most seniority and experience with respect to 2 claim -- claims administration that was responsible 3 for the claim, correct?</p> <p>4 A. Well, there is -- there is -- there are 5 other roles. I'm not sure what their experience 6 levels are. I think there may be, I guess, longer 7 than mine.</p> <p>8 Q. Well, you're referring to the clinical 9 consultants on the file?</p> <p>10 A. Right. I mean, there is other people that 11 are involved in the claim.</p> <p>12 Q. They don't make the determination whether 13 to pay or not, though, right?</p> <p>14 A. The clinical consultants, certainly not, 15 no.</p> <p>16 Q. Who ultimately had the de-- the 17 responsibility on behalf of the company to make the 18 decision whether or not Dr. Siefe received his 19 benefits?</p> <p>20 A. The process is that the DBS makes the 21 recommendation for the liability decision. In this 22 case, that then was for -- she was recommending 23 that benefits not be paid. I reviewed the 24 recommendation; at that time, agreed; and there was 25 a QCC review done as well subsequent to my review.</p> |

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| <p>245</p> <p>1 than 90 days; is that correct?</p> <p>2 Q. Yeah.</p> <p>3 A. Those are paid claims. Those are claims</p> <p>4 that have already had at least an initial payment</p> <p>5 made and 90 days has lapsed from one payment to the</p> <p>6 next.</p> <p>7 Q. Oh, okay.</p> <p>8 A. So those are not for open undecided claims.</p> <p>9 Q. All right, so where is the expectation for</p> <p>10 the open undecideds?</p> <p>11 A. Do you have this? It's the percentage, I</p> <p>12 believe, is the second -- second row.</p> <p>13 Q. Oh, percentage undecided --</p> <p>14 A. I think it says 90 --</p> <p>15 Q. -- greater than 90 days.</p> <p>16 A. Correct.</p> <p>17 Q. Okay. I see. And that's less than</p> <p>18 16 percent?</p> <p>19 A. Correct.</p> <p>20 Q. You want to -- you want to have at least</p> <p>21 84 percent of her claims being decided within that</p> <p>22 90-day time period?</p> <p>23 A. I think that's the general guidance or the</p> <p>24 goal, yes.</p> <p>25 MR. COLEMAN: Okay. Let's see. We</p> | <p>247</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2 I, ADAM P. STIMSON, do hereby</p> <p>3 acknowledge that I have read and examined the</p> <p>4 foregoing testimony, and the same is a true, correct</p> <p>5 and complete transcription of the testimony given by</p> <p>6 me and any corrections appear on the attached Errata</p> <p>7 sheet signed by me.</p> <p>8</p> <p>9 _____</p> <p>10 (DATE) (SIGNATURE)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
| <p>246</p> <p>1 have a stipulation, I believe, as to authenticity</p> <p>2 of business records exception to the hearsay rule</p> <p>3 for all documents produced by the defendants,</p> <p>4 correct?</p> <p>5 MR. MAGUIRE: Correct.</p> <p>6 MR. COLEMAN: Okay. I don't have</p> <p>7 anything further.</p> <p>8 VIDEOGRAPHER: We are going off the</p> <p>9 record at 5:21.</p> <p>10 (Off the video record.)</p> <p>11 COURT REPORTER: Would you like to</p> <p>12 order the transcript, Mr. Maguire?</p> <p>13 MR. MAGUIRE: Yes, please.</p> <p>14 COURT REPORTER: And Mr. Coleman?</p> <p>15 MR. COLEMAN: Yes. Thank you.</p> <p>16 (Off the record.)</p> <p>17 (Whereupon the deposition was adjourned</p> <p>18 at 5:21 p.m.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>248</p> <p>1 COMMONWEALTH OF MASSACHUSETTS</p> <p>2 MIDDLESEX, ss.</p> <p>3</p> <p>4 I, Marianne R. Wharram, Certified Shorthand</p> <p>5 Reporter, Registered Professional Reporter, Certified</p> <p>6 Realtime Reporter, and Notary Public in and for the</p> <p>7 Commonwealth of Massachusetts, do hereby certify</p> <p>8 that ADAM P. STIMSON, the witness whose deposition</p> <p>9 is hereinbefore set forth, was duly identified and</p> <p>10 sworn by me and that such deposition is a true</p> <p>11 record of the testimony given by the witness.</p> <p>12 I further certify that I am neither related to</p> <p>13 or employed by any of the parties in this action,</p> <p>14 nor am I financially interested in the outcome of</p> <p>15 this action.</p> <p>16 In witness hereof, I have hereunto set my hand</p> <p>17 this seventh day of August, 2017.</p> <p>18</p> <p>19</p> <p>20 </p> <p>21 Marianne R. Wharram, CSR/RPR/CRR</p> <p>22 CSR No. 1426S96, Registered</p> <p>23 Professional and Certified</p> <p>24 Realtime Reporter, Notary Public</p> <p>25 Commission expires 7/20/2023</p> |

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